

1 **SECTION 560.** 938.396 (7) (bm) of the statutes is renumbered 938.396 (2g) (m)
2 5. and amended to read:

3 938.396 (2g) (m) 5. ~~Notwithstanding sub. (2) (a), in~~ In addition to the disclosure
4 made under ~~par. (am) or (b) subd. 2. or 4.,~~ if a juvenile is adjudicated delinquent and
5 as a result of the dispositional order is enrolled in a different school district or private
6 school from the school district or private school in which the juvenile is enrolled at
7 the time of the dispositional order, the court clerk, within 5 days after the date on
8 which the dispositional order is entered, shall provide the school board of the
9 juvenile's new school district, the governing body of the juvenile's new private school,
10 or the designee of the school board or governing body with the information specified
11 in ~~par. (am) or (b) subd. 2. or 4.,~~ whichever is applicable, and, in addition, shall notify
12 that school board, governing body, or designee of whether the juvenile has been
13 adjudicated delinquent previously by that court, the nature of any previous
14 violations committed by the juvenile, and the dispositions imposed on the juvenile
15 under s. 938.34 as a result of those previous violations.

16 **SECTION 561.** 938.396 (7) (c) of the statutes is renumbered 938.396 (2g) (m) 6.
17 and amended to read:

18 938.396 (2g) (m) 6. ~~No~~ Except as required under subds. 1. to 5. or by order of
19 the court, no information from the juvenile's court records, ~~other than information~~
20 ~~disclosed under par. (a), (am), (ar), (b), or (bm),~~ may be disclosed to the school board
21 of the school district, or the governing body of the private school, in which the juvenile
22 is enrolled or the designee of the school board or governing body ~~except by order of~~
23 ~~the court.~~ Any information from a juvenile's court records provided under this
24 subsection to the school board of the school district, or the governing body of the
25 private school, in which the juvenile is enrolled or the designee of the school board

1 or governing body shall be disclosed by the school board, governing body, or designee
2 to employees of the school district or private school who work directly with the
3 juvenile or who have been determined by the school board, governing body, or
4 designee to have legitimate educational interests, including safety interests, in the
5 information. A school district or private school employee to whom that information
6 is disclosed ~~under this paragraph~~ may not further disclose the information. A school
7 board may not use any information ~~provided under this subsection~~ from a juvenile's
8 court records as the sole basis for expelling or suspending a juvenile or as the sole
9 basis for taking any other disciplinary action, including action under the school
10 district's athletic code, against the juvenile. A member of a school board or of the
11 governing body of a private school or an employee of a school district or private school
12 may not be held personally liable for any damages caused by the nondisclosure of any
13 information specified in this ~~paragraph~~ subdivision unless the member or employee
14 acted with actual malice in failing to disclose the information. A school district or
15 private school may not be held liable for any damages caused by the nondisclosure
16 of any information specified in this ~~paragraph~~ subdivision unless the school district,
17 private school, or its agent acted with gross negligence or with reckless, wanton, or
18 intentional misconduct in failing to disclose the information.

19 **SECTION 562.** 938.396 (8) of the statutes is renumbered 938.396 (2g) (n) and
20 amended to read:

21 938.396 (2g) (n) Firearms restriction record search. Notwithstanding sub. (2),
22 if ~~If~~ a juvenile is adjudged delinquent for an act that would be a felony if committed
23 by an adult, the court clerk shall notify the department of justice of that fact. No
24 other information from the juvenile's court records may be disclosed to the
25 department of justice except by order of the court. The department of justice may

1 disclose any information provided under this subsection only as part of a firearms
2 restrictions record search under s. 175.35 (2g) (c).

3 **SECTION 563.** 938.396 (9) of the statutes is renumbered 938.396 (2g) (o) and
4 amended to read:

5 938.396 (2g) (o) Criminal history record search. Notwithstanding sub. (2) (a),
6 if If a juvenile is adjudged delinquent for committing a serious crime, as defined in
7 s. 48.685 (1) (c), the court clerk shall notify the department of justice of that fact. No
8 other information from the juvenile's court records may be disclosed to the
9 department of justice except by order of the court. The department of justice may
10 disclose any information provided under this subsection only as part of a criminal
11 history record search under s. 48.685 (2) (am) 1. or (b) 1. a. PLAIN

12 **SECTION 564.** 938.44 of the statutes is amended to read:

13 **938.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
14 over persons 17 years of age or over as provided older under ss. 938.355 (4) and 938.45
15 and as otherwise ~~specifically provided~~ specified in this chapter.

16 **SECTION 565.** 938.45 (1) of the statutes is amended to read:

17 938.45 (1) ORDERS WHEN ADULT CONTRIBUTED TO CONDITION OF JUVENILE. (a) If
18 in the hearing of a case of a juvenile alleged to be delinquent under s. 938.12 or in
19 need of protection or services under s. 938.13 it appears that any person 17 years of
20 age or ~~over~~ older has been guilty of contributing to, encouraging, or tending to cause
21 by any act or omission, such condition of the juvenile, the court may make orders with
22 respect to the conduct of ~~such~~ that person in his or her relationship to the juvenile,
23 including orders relating to determining the ability of the person to provide for the
24 maintenance or care of the juvenile and directing when, how, and where funds for the
25 maintenance or care shall be paid.

(STEP Plan)

1 (b) An act or failure to act contributes to a condition of a juvenile as described
2 in s. 938.12 or 938.13, although even if the juvenile is not actually adjudicated found
3 to come within the provisions of s. 938.12 or 938.13, if the natural and probable
4 consequences of that act or failure to act would be to cause the juvenile to come within
5 the provisions of s. 938.12 or 938.13.

6 **SECTION 566.** 938.45 (1m) (title) of the statutes is created to read:

7 938.45 (1m) (title) ORDERS IMPOSING CONDITIONS ON JUVENILE'S PARENT, GUARDIAN,
8 OR LEGAL CUSTODIAN.

9 **SECTION 567.** 938.45 (1m) (a), (1r), (2) and (3) of the statutes are amended to
10 read:

11 938.45 (1m) (a) In a proceeding in which a juvenile has been adjudicated
12 delinquent or has been found to be in need of protection or services under s. 938.13,
13 the court may order the juvenile's parent, guardian or legal custodian to comply with
14 any conditions determined by the court to be necessary for the juvenile's welfare. An
15 order ~~under this paragraph~~ may include ~~an order to participate~~ participation in
16 mental health treatment, anger management, individual or family counseling or
17 parent training and education, and ~~to make~~ a requirement for a reasonable
18 contribution, based on ability to pay, toward the cost of those services.

19 (1r) ORDER FOR PARENT TO PAY RESTITUTION OR FORFEITURE. (a) In a proceeding
20 in which a juvenile ~~has been~~ is found to have committed a delinquent act or a civil
21 law or ordinance violation that has resulted in damage to the property of another, or
22 in actual physical injury to another excluding pain and suffering, the court may order
23 a parent who has custody, as defined in s. 895.035 (1), of the juvenile to make
24 reasonable restitution for the damage or injury. Except for recovery for retail theft
25 under s. 943.51, the maximum amount of any restitution ordered ~~under this~~

1 paragraph for damage or injury resulting from any one act of a juvenile or from the
2 same act committed by 2 or more juveniles in the custody of the same parent may not
3 exceed \$5,000. ~~Any~~ The order under this paragraph shall include a finding that the
4 parent ~~who has custody of the juvenile~~ is financially able to pay the amount ordered
5 and may allow up to the date of expiration of the order for the payment. Any recovery
6 under this paragraph shall be reduced by the amount recovered as restitution for the
7 same act under s. 938.34 (5) or 938.343 (4).

8 (b) In a proceeding in which the court has determined under s. 938.34 (8) or
9 938.343 (2) that the imposition of a forfeiture would be in the best interest of the
10 juvenile and in aid of rehabilitation, the court may order a parent who has custody,
11 as defined in s. 895.035 (1), of the juvenile to pay the forfeiture. The amount of any
12 forfeiture ordered ~~under this paragraph~~ may not exceed \$5,000. ~~Any~~ The order
13 ~~under this paragraph~~ shall include a finding that the parent ~~who has custody of the~~
14 ~~juvenile~~ is financially able to pay the amount ordered and shall allow up to 12 months
15 after the date of the order for the payment. Any recovery under this paragraph shall
16 be reduced by the amount recovered as a forfeiture for the same act under s. 938.34
17 (8) or 938.343 (2).

18 (2) RIGHT TO HEARING ON ORDERS. No order under sub. (1) (a), (1m) (a), or (1r)
19 (a) or (b) may be entered until the person who is the subject of the contemplated order
20 is given an opportunity to be heard on the ~~contemplated~~ order. The court shall cause
21 notice of the time, place, and purpose of the hearing to be served on the person
22 personally at least 10 days before the date of hearing. The procedure in these cases
23 shall, as far as practicable, be the same as in other cases in the court. At the hearing
24 the person may be represented by counsel and may produce and cross-examine
25 witnesses. ~~Any~~ A person who fails to comply with ~~any~~ an order issued by a court

1 under sub. (1) (a), (1m) (a), or (1r) (a) or (b) may be proceeded against for contempt
2 of court. If the person's conduct involves a crime, the person may be proceeded
3 against under the criminal law.

4 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE. If it
5 appears at a court hearing that any person 17 years of age or older has violated s.
6 948.40, the court shall refer the record to the district attorney ~~for criminal~~
7 ~~proceedings as may be warranted in the district attorney's judgment.~~ This
8 subsection does not ~~prevent~~ prohibit prosecution of violations of s. 948.40 without the
9 prior reference by the court to the district attorney, ~~as in other criminal cases.~~

10 SECTION 568. 938.48 (1) of the statutes is amended to read:

11 938.48 (1) ENFORCEMENT OF LAWS. Promote the enforcement of the laws relating
12 to delinquent juveniles and juveniles in need of protection or services and take the
13 initiative in all matters involving the interests of such those juveniles where when
14 adequate provision ~~therefor~~ for those matters is not made. This duty shall be
15 discharged in cooperation with the courts, county departments and, licensed child
16 welfare agencies ~~and with,~~ parents, and other individuals interested in the welfare
17 of juveniles.

18 SECTION 569. 938.48 (2) of the statutes is amended to read:

19 938.48 (2) JUVENILE WELFARE SERVICES. Assist in extending and strengthening
20 juvenile welfare services with appropriate federal agencies and in conformity with
21 the federal ~~social security act~~ Social Security Act and in cooperation with parents,
22 other individuals and other agencies so that all juveniles needing such services are
23 reached. (2)

24 SECTION 570. 938.48 (3) and (4) of the statutes are amended to read:

1 938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over
2 juveniles transferred to it by the court under s. 938.183, 938.34 (4h), (4m), or (4n),
3 or 938.357 (4), and provide special treatment or care to juveniles when directed by
4 the court. Except as provided in ^(plan) ~~under~~ s. 938.505 (2), a court may not direct the
5 department to administer psychotropic medications to juveniles who receive special
6 treatment or care under this subsection.

7 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for
8 juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357
9 (4);, including serving those juveniles in their own homes, placing them in licensed
10 foster homes or licensed treatment foster homes ~~in accordance with s. 48.63~~ or
11 licensed group homes under s. 48.63, contracting for their care by licensed child
12 welfare agencies or replacing them in juvenile correctional ~~institutions~~ facilities or
13 secured ~~child caring institutions~~ residential care centers for children and youth in
14 accordance with rules promulgated under ch. 227, ~~except that the~~ ^{PLAIN} ~~The~~ department
15 may not purchase the educational component of private day treatment programs for
16 juveniles a juvenile in its custody unless the department, the school board, as defined
17 in s. 115.001 (7), and the state superintendent of public instruction all determine that
18 an appropriate public education program is not available for the juvenile. Disputes
19 between the department and the school district shall be resolved by the state
20 superintendent of public instruction.

21 **SECTION 571.** 938.48 (4m) (title) of the statutes is created to read:

22 938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES OVER 17.

23 **SECTION 572.** 938.48 (4m) (d), (5) and (6) of the statutes are amended to read:

1 938.48 (4m) (d) Is determined by the department to be in need of care and
2 services designed to fit ~~such~~ the person for gainful employment and has requested
3 and consented to receive ~~such aid~~ the care and services.

4 (5) MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious training
5 of a juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or
6 938.357 (4) according to the religious ~~belief~~ beliefs of the juvenile or of the juvenile's
7 parents.

8 (6) EMERGENCY SURGERY. Consent to emergency surgery under the direction of
9 a licensed physician or surgeon for any juvenile under its supervision under s.
10 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) upon notification by a licensed
11 physician or surgeon of the need for ~~such~~ the surgery and if reasonable effort,
12 compatible with the nature and time limitation of the emergency, has been made to
13 secure the consent of the juvenile's parent or guardian.

14 **SECTION 573.** 938.48 (13) (title) of the statutes is created to read:

15 938.48 (13) (title) ALLOWANCES AND CASH GRANTS.

16 **SECTION 574.** 938.48 (14) and (16) of the statutes are amended to read:

17 938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay
18 maintenance, tuition, and related expenses from the appropriation under s. 20.410
19 (3) (ho) for persons who, when they ~~reached~~ attained 17 years of age, were students
20 regularly attending a school, college, or university or regularly attending a course of
21 vocational or technical training designed to ~~fit~~ prepare them for gainful employment,
22 and who ~~when reaching~~ upon attaining that age were under the supervision of the
23 department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) as a result of
24 a judicial decision.

1 **(16) STANDARDS FOR SERVICES.** Establish and enforce standards for services
2 provided under s. 938.183, 938.34, or 938.345.

3 **SECTION 575.** 938.49 (1) of the statutes is amended to read:

4 **938.49 (1) NOTICE TO DEPARTMENT OF PLACEMENT.** When the a court places a
5 juvenile in a secured juvenile correctional facility or secured ~~child caring institution~~
6 residential care center for children and youth under the supervision of the
7 department, the court shall immediately notify the department of that action. The
8 court shall, in accordance with procedures established by the department, provide
9 transportation for the juvenile to a receiving center designated by the department
10 or deliver the juvenile to department personnel of the department.

11 **SECTION 576.** 938.49 (2) of the statutes is renumbered 938.49 (2) (intro.) and
12 amended to read:

13 **938.49 (2) TRANSFER OF COURT REPORT AND PUPIL RECORDS.** When the a court
14 places a juvenile in a secured juvenile correctional facility or a secured ~~child caring~~
15 ~~institution~~ residential care center for children and youth under the supervision of the
16 department, the court and all other public agencies shall also immediately transfer
17 do all of the following:

18 **(a) Transfer** to the department a copy of the report submitted to the court under
19 s. 938.33 or, if the report was presented orally, a transcript of the report and all other
20 pertinent data in their possession and ~~shall immediately notify.~~

21 **(b) Notify** the juvenile's last school district in writing of its obligation under s.
22 118.125 (4).

23 **SECTION 577.** 938.50 (1) and (2) of the statutes are consolidated, renumbered
24 938.50 and amended to read:

938.50 Examination of juveniles under supervision of department.

~~(1) EXAMINATION OF JUVENILES FOR BEST PLACEMENT~~ The department shall examine every juvenile who is placed under its supervision to determine the type of placement best suited to the juvenile and to the protection of the public. ~~This~~ The examination shall include an investigation of the personal and family history of the juvenile and his or her environment, any physical or mental examinations ~~considered~~ necessary to determine the type of placement ~~that is necessary~~ appropriate for the juvenile, and the an evaluation under s. 938.533 (2) to determine whether the juvenile is eligible for corrective sanctions supervision or serious juvenile offender supervision. ~~A~~ The department shall screen a juvenile who is examined under this subsection shall be screened section to determine whether the juvenile is in need of special treatment or care because of alcohol or other drug abuse, mental illness, or severe emotional disturbance. (2) In making ~~this~~ the examination the department may use any facilities, public or private, that offer aid to it assistance in the determination of determining the correct placement for the juvenile.

SECTION 578. 938.505 (1) (title) of the statutes is created to read:

938.505 (1) (title) RIGHTS AND DUTIES OF DEPARTMENT OR COUNTY DEPARTMENT.

SECTION 579. 938.505 (2) of the statutes is amended to read:

938.505 (2) PSYCHOTROPIC MEDICATION. (a) If a juvenile 14 years of age or ~~over~~ older is under the supervision of the department or a county department as described in sub. (1) ~~and who~~, is not residing in his or her home, and wishes to be administered psychotropic medication but a parent with legal custody or the guardian refuses to consent to the administration of psychotropic medication or cannot be found, or if there is no parent with legal custody, the department or county department acting on the juvenile's behalf may petition the court assigned to

1 exercise jurisdiction under this chapter and ch. 48 in the county in which the juvenile
2 is located for permission to administer psychotropic medication to the juvenile. A
3 copy of the petition and a notice of hearing shall be served upon the parent or
4 guardian at his or her last-known address. If, after hearing, the court determines
5 that all of the following apply, the court shall grant permission for the department
6 or county department to administer psychotropic medication to the juvenile without
7 the parent's or guardian's consent:

8 1. ~~That the~~ The parent's or guardian's consent is unreasonably withheld or
9 ~~that, the parent or guardian cannot be found, or that there is no parent with legal~~
10 ~~custody, except that the~~ The court may not determine that a parent's or guardian's
11 consent is unreasonably withheld solely because the parent or guardian relies on
12 treatment by spiritual means through prayer for healing in accordance with his or
13 her religious tradition.

14 2. ~~That the~~ The juvenile is 14 years of age or ~~over and~~ older, is competent to
15 consent to the administration of psychotropic medication, and ~~that the juvenile~~
16 voluntarily consents to the administration of psychotropic medication.

17 3. ~~Based~~ The juvenile, based on the recommendation of a physician, ~~that the~~
18 juvenile is in need of psychotropic medication, ~~that~~ and psychotropic medication is
19 appropriate for the juvenile's needs and ~~that psychotropic medication~~ is the least
20 restrictive treatment consistent with ~~the juvenile's~~ those needs.

21 (b) The court may, at the request of the department or county department,
22 temporarily approve the administration of psychotropic medication, for not more
23 than 10 days after the date of the request, pending the hearing on the petition, ~~which,~~
24 The hearing shall be held within those 10 days that 10-day period.

25 SECTION 580. 938.51 (1) (intro.) of the statutes is amended to read:

1 938.51 (1) RELEASE FROM SECURED FACILITY OR SUPERVISION. (intro.) At least 15
2 days prior to the date of release from a secured juvenile correctional facility, or a
3 secured ~~child caring institution or a secured group home~~ residential care center for
4 children and youth of a juvenile who has been adjudicated delinquent and at least
5 15 days prior to the release from the supervision of the department or a county
6 department of a juvenile who has been adjudicated delinquent, the department or
7 county department having supervision over the juvenile shall make a reasonable
8 attempt to do all of the following:

9 **SECTION 581.** 938.51 (1d) (title) and (1g) (title) of the statutes are created to
10 read:

11 938.51 (1d) (title) RELEASE FROM NONSECURED RESIDENTIAL CARE CENTER.

12 (1g) (title) RELEASE FROM INPATIENT FACILITY.

13 **SECTION 582.** 938.51 (1m) of the statutes is amended to read:

14 938.51 (1m) NOTIFICATION OF LOCAL AGENCIES. The department or county
15 department having supervision over a juvenile described in sub. (1) shall determine
16 the local agencies that it will notify under sub. (1) (a) based on the residence of the
17 juvenile's parents or on the juvenile's intended residence specified in the juvenile's
18 aftercare supervision plan or, if those methods do not indicate the community in
19 which the juvenile will reside following release from a secured juvenile correctional
20 facility, or a secured ~~child caring institution or a secured group home~~ residential care
21 center for children and youth or from the supervision of the department or county
22 department, the community in which the juvenile states that he or she intends to
23 reside.

24 **SECTION 583.** 938.51 (1r) (title) of the statutes is created to read:

25 938.51 (1r) (title) CONTENTS OF NOTICE.

1 **SECTION 584.** 938.51 (2) of the statutes is amended to read:

2 938.51 (2) NOTIFICATION REQUEST CARDS. The department shall design and
3 prepare cards for any person specified in sub. (1) (b), (c), (cm), or (d) to send to the
4 department or county department having supervision over a juvenile described in
5 sub. (1), (1d), or (1g). The cards shall have space for any such person to provide his
6 or her the person's name, telephone number and mailing address, the name of the
7 applicable juvenile, and any other information that the department determines is
8 necessary. The cards shall also advise a victim who is under 18 years of age that he
9 or she may complete a card requesting notification under sub. (1) (b), (1d), or (1g) if
10 the notification occurs after the victim attains 18 years of age and advising the
11 parent or guardian of a victim who is under 18 years of age that the parent or
12 guardian may authorize on the card direct notification of the victim under sub. (1)
13 (b), (1d), or (1g) if the notification occurs after the victim attains 18 years of age. The
14 department shall provide the cards, without charge, to district attorneys. District
15 attorneys shall provide the cards, without charge, to persons specified in sub. (1) (b)
16 to (d). These persons may send completed cards to the department or county
17 department having supervision over the juvenile. ~~All department~~ Department and
18 county department records or portions of records that relate to telephone numbers
19 and mailing addresses of these persons are not subject to inspection or copying under
20 s. 19.35 (1).

21 **SECTION 585.** 938.51 (3) (title) of the statutes is created to read:

22 938.51 (3) (title) **RELEASE NOT AFFECTED BY FAILURE TO NOTIFY.**

23 **SECTION 586.** 938.51 (4) (intro.) of the statutes is amended to read:

24 938.51 (4) NOTIFICATION IF ESCAPE OR ABSENCE. (intro.) If a juvenile described
25 in sub. (1), (1d), or (1g) escapes from a secured juvenile correctional facility,

1 residential care center for children and youth, ~~secured group home~~, inpatient facility,
2 ~~secure~~ juvenile detention facility, or juvenile portion of a county jail, or from the
3 custody of a peace officer or a guard of such a facility, center, home, or jail, or has been
4 allowed to leave a ~~secured~~ juvenile correctional facility, residential care center for
5 children and youth, ~~secured group home~~, inpatient facility, ~~secure~~ juvenile detention
6 facility, or juvenile portion of a county jail for a specified period of time and is absent
7 from the facility, center, home, or jail for more than 12 hours after the expiration of
8 the specified period, as soon as possible after the department or county department
9 having supervision over the juvenile discovers ~~that~~ the escape or absence, ~~that the~~
10 department or county department shall make a reasonable attempt to notify by
11 telephone all of the following persons:

12 **SECTION 587.** 938.52 (1) (d), (2) and (4) of the statutes are amended to read:

13 938.52 (1) (d) Institutions, facilities, and services, including ~~without limitation~~
14 forestry or conservation camps, for the training and treatment of juveniles 10 years
15 of age or older who have been adjudged delinquent.

16 **(2) USE OF OTHER FACILITIES.** (a) In addition to the facilities and services
17 ~~described in~~ under sub. (1), the department may use other facilities and services
18 under its jurisdiction. The department may also contract for and pay for the use of
19 other public facilities or private facilities for the care and treatment of juveniles in
20 its care; ~~but placement.~~ Placement of juveniles in private or public facilities not
21 under ~~its~~ the department's jurisdiction does not terminate ~~the~~ its supervision under
22 s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) ~~of the department.~~ Placements
23 in institutions for ~~the mentally ill or developmentally disabled persons with a mental~~
24 illness or development disability shall be made in accordance with ss. 48.14 (5),
25 48.63, and 938.34 (6) (am) and ch. 51.

(b) Public facilities ~~are required to~~ shall accept and care for persons placed with them by the department in the same manner as they would be required to do had the legal custody of these persons been transferred by a court of competent jurisdiction. Nothing in this subsection shall ~~be construed to require~~ requires any public facility to serve the department ~~inconsistently in a manner that is inconsistent~~ with its ~~the~~ facility's functions or with the laws and regulations governing ~~their~~ its activities; or ~~to give~~ gives the department authority to use any private facility without its consent.

(c) The department ~~shall have the right to~~ may inspect all facilities any facility it is using and ~~to~~ examine and consult with persons under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) who have been placed in ~~that~~ the facility.

(4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS. The department may ~~institute~~ establish and maintain coeducational programs and institutions under this chapter.

SECTION 588. 938.53 of the statutes is amended to read:

938.53 Duration of control of department over delinquents. Except ~~as~~ provided under ss. 48.366 and 938.183, all juveniles a juvenile adjudged delinquent who have has been placed under the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) shall be discharged as soon as the department determines that there is a reasonable probability that ~~it~~ departmental supervision is no longer necessary ~~either~~ for the rehabilitation and treatment of the juvenile or for the protection of the public ~~that the department retain supervision.~~

SECTION 589. 938.533 of the statutes is amended to read:

938.533 Corrective sanctions. (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s. 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve an average daily population of 136 juveniles, ~~or an~~

1 ~~average daily population of more than 136 juveniles if unless~~ the appropriation
2 under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions
3 for the program are increased under s. 13.101 or 16.505 (2) or if unless funding and
4 positions to serve more than that average daily population are otherwise available,
5 in ~~not less than~~ at least 3 counties, including Milwaukee County. The department's
6 office of juvenile offender review ~~in the department~~ shall evaluate and select for
7 participation in the program juveniles who have been placed under the supervision
8 of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4). The
9 department shall place a program participant in the community, provide intensive
10 surveillance of that participant, and provide an average of not more than \$3,000 per
11 year per slot to purchase community-based treatment services for each participant.
12 The department shall make the intensive surveillance ~~required under this~~
13 ~~subsection~~ available 24 hours a day, 7 days a week, and may purchase or provide
14 electronic monitoring for the intensive surveillance of program participants. The
15 department shall provide a report center in Milwaukee County to provide on-site
16 programming after school and in the evening for juveniles from Milwaukee County
17 who are placed in the corrective sanctions program. A contact worker providing
18 services under the program shall have a case load of approximately 10 juveniles and,
19 during the initial phase of placement in the community under the program of a
20 juvenile who is assigned to that contact worker, shall have not less than one
21 face-to-face contact per day with that juvenile. Case management services under
22 the program shall be provided by a corrective sanctions agent who shall have a case
23 load of approximately 15 juveniles. The department shall promulgate rules to
24 implement the program.

1 (3) INSTITUTIONAL STATUS. (a) A participant in the corrective sanctions program
2 remains is under the supervision of the department, remains is subject to the rules
3 and discipline of ~~that~~ the department, and is considered to be in custody, as defined
4 in s. 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a
5 condition of ~~that~~ juvenile's his or her participation in the corrective sanctions
6 program the department may, without a hearing, take the juvenile into custody and
7 place the juvenile in a ~~secured~~ juvenile detention facility or return the juvenile to
8 placement in a Type 1 ~~secured~~ juvenile correctional facility or a secured ~~child-caring~~
9 ~~institution~~ residential care center for children and youth. This paragraph does not
10 preclude a juvenile who has violated a condition of the juvenile's his or her
11 participation in the corrective sanctions program from being taken into and held in
12 custody under ss. 938.19 to 938.21.

13 (b) The department shall operate the corrective sanctions program as a Type 2
14 ~~secured~~ juvenile correctional facility. The secretary may allocate and reallocate
15 existing and future facilities as part of the Type 2 ~~secured~~ juvenile correctional
16 facility. The Type 2 ~~secured~~ juvenile correctional facility is subject to s. 301.02.
17 Construction or establishment of a Type 2 ~~secured~~ juvenile correctional facility shall
18 be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the
19 exemptions under s. 13.48 (13), construction or establishment of a Type 2 ~~secured~~
20 juvenile correctional facility is not subject to the ordinances or regulations relating
21 to zoning, including zoning under ch. 91, of the county and city, village, or town in
22 which the construction or establishment takes place and is exempt from the
23 investigations permitted under s. 46.22 (1) (c) 1. b.

91 SEC. #. CR; 938.534(1)(title)

91 938.534 (1)(title)

1 (3m) ESCAPE. If a juvenile runs away from the juvenile's his or her placement
2 in the community while participating in the corrective sanctions program, that the
3 juvenile is considered to have escaped in violation of s. 946.42 (3) (c).

4 SECTION 590. 938.534 (1) (a) and (b) 1., 2., 3. and 4. of the statutes are amended
5 to read:

6 **938.534 Intensive supervision program.** (1) PROGRAM REQUIREMENTS:

7 VIOLATION OF CONDITION OF PARTICIPATION. (a) A county department may provide an
8 intensive supervision program for juveniles who have been adjudicated delinquent
9 and ordered to participate in an intensive supervision program under s. 938.34 (2r).
10 A county department that provides an intensive supervision a program shall
11 purchase or provide intensive surveillance and community-based treatment
12 services for participants in that the program and may purchase or provide electronic
13 monitoring for the intensive surveillance of program participants. A caseworker
14 providing services under an intensive supervision a program may have a case load
15 of no more than 10 juveniles and shall have not less than one face-to-face contact
16 per day with each juvenile who is assigned to that caseworker, except that the
17 face-to-face contact requirement does not apply to a juvenile placed under par. (b)
18 or (c).

NOTE: Clarifies, in the last sentence in s. 938.534 (1) (a), that the "one face-to-face contact per day" requirement does not apply: (1) under par. (b) when a youth is placed in shelter care or a secure facility for a violation of intensive supervision program rules for a 72-hour hold; or (2) under par. (c) when a youth is placed in non-secure custody for not more than 30 days as crisis intervention. Under current practice, assigned caseworkers do not have daily contact with youth when they are receiving a "service" such as being held in detention or in shelter care.

19 (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
20 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
21 the county board relating to the taking into custody and placement of a juvenile

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1 under this subdivision, if a juvenile violates a condition of the juvenile's his or her
2 participation in the program, the juvenile's caseworker or any other person
3 authorized to provide or providing intake or dispositional services for the court under
4 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
5 the juvenile in a ~~secure~~ juvenile detention facility or juvenile portion of a county jail
6 that meets the standards promulgated by the department by rule or in a place of
7 nonsecure custody designated by that person for not more than 72 hours while the
8 alleged violation and the appropriateness of a sanction under s. 938.355 (6) or a
9 change in the conditions of the juvenile's participation in the program are being
10 investigated,. Short-term detention under this subdivision may be imposed only if
11 at the dispositional hearing the court explained those conditions to the juvenile and
12 informed the juvenile of ~~the possibility of~~ that possible placement or if before the
13 violation the juvenile has acknowledged in writing that he or she has read, or has had
14 read to him or her, those conditions and that possible placement and that he or she
15 understands those conditions and that possible placement.

16 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
17 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
18 the county board relating to the taking into custody and placement of a juvenile
19 under this subdivision, if a juvenile violates a condition of the juvenile's participation
20 in the program, the juvenile's caseworker or any other person authorized to provide
21 or providing intake or dispositional services for the court under s. 938.067 or 938.069
22 may, without a hearing, take the juvenile into custody and place the juvenile in a
23 ~~secure~~ juvenile detention facility or juvenile portion of a county jail that meets the
24 standards promulgated by the department by rule or in a place of nonsecure custody
25 designated by that person for not more than 72 hours as a consequence of that

modify the terms of the placement

1 violation. Short-term detention under this subdivision may be imposed only if at
2 the dispositional hearing the court explained those conditions to the juvenile and
3 informed the juvenile of ~~the possibility of that~~ ^{possible} placement or if before the violation the
4 juvenile has acknowledged in writing that he or she has read, or has had read to him
5 or her, those conditions and that possible placement and that he or she understands
6 those conditions and that possible placement. A person who takes a juvenile into
7 custody under this subdivision shall permit the juvenile to make a written or oral
8 statement concerning the possible placement of the juvenile and the course of
9 conduct for which the juvenile was taken into custody. A person designated by the
10 court or the county department who is employed in a supervisory position by a person
11 authorized to provide or providing intake or dispositional services under s. 938.067
12 or 938.069 shall review that statement and shall either approve ~~or modify~~ the
13 placement or order the juvenile to be released from custody.

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NOTE: Specifies, in s. 938.534 (1) (b) 2., that when a youth is placed on a 72-hour hold in either a secure or non-secure facility for a violation of a condition of participation in an Intensive Supervision Program, a person authorized to review a youth's statement has the authority to modify the placement as well as approve the statement (current law). Under current practice, supervisors do modify the placement downward from 72 hours or suggest that the caseworkers do so if appropriate.

14 3. A juvenile may be taken into and held in custody under both subds. 1. and
15 2. in connection with the same course of conduct, ~~except that no.~~ No juvenile may
16 be held in custody for more than a total of 72 hours under subds. 1. and 2. in
17 connection with the same course of conduct unless the juvenile receives a hearing
18 under par. (d).

19 4. The use of placement in a secure juvenile detention facility or in a juvenile
20 portion of a county jail as a place of short-term detention under subd. 1. or 2. is
21 subject to the adoption of a resolution by the county board of supervisors under s.

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1 938.06 (5) authorizing the use of those placements as places of short-term detention
2 under subd. 1. or 2.

3 **SECTION 591.** 938.534 (1) (c) and (d) and (2) of the statutes are amended to read:

4 938.534 (1) (c) Notwithstanding ss. 938.19 to 938.21, but subject to any general
5 written policies adopted by the court under s. 938.06 (1) or (2) and to any policies
6 adopted by the county board relating to the taking into custody and placement of a
7 juvenile under this paragraph, if the juvenile is in need of crisis intervention the
8 juvenile's caseworker may also, without a hearing, take the juvenile into custody and
9 place the juvenile in a place of nonsecure custody for not more than 30 days as ~~crisis~~
10 ~~intervention, if the juvenile is in need of crisis intervention and, if. This placement~~
11 may be made only if at the dispositional hearing the court informed the juvenile of
12 ~~the possibility of that possible~~ placement or if before the violation the juvenile has
13 acknowledged in writing that he or she has read, or has had read to him or her, those
14 conditions and that possible placement and that he or she understands those
15 conditions and that possible placement.

16 (d) If the juvenile is held under par. (b) 1. or 2. in a secure juvenile detention
17 facility, juvenile portion of a county jail, or place of nonsecure custody for longer than
18 72 hours, the juvenile is entitled to a hearing under s. 938.21. The hearing shall be
19 conducted in the manner provided in s. 938.21, except that the hearing shall be
20 conducted within 72 hours, rather than 24 hours, after the end of the day that the
21 decision to hold the juvenile was made and a written statement of the reasons for
22 continuing to hold the juvenile in custody may be filed rather than a petition under
23 s. 938.25.

24 **(2) RULES FOR INTENSIVE SUPERVISION PROGRAM.** The department shall
25 promulgate rules specifying the requirements for an intensive supervision program

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1 under this section. The rules shall include ~~rules that govern~~ provisions governing
2 the use of placement in a secure juvenile detention facility, juvenile portion of a
3 county jail, or place of nonsecure custody for not more than 72 hours under sub. (1)
4 (b) and the use of placement in a place of nonsecure custody for not more than 30 days
5 under sub. (1) (c).

6 **SECTION 592.** 938.535 of the statutes is amended to read:

7 **938.535 Early release and intensive supervision program; limits.** The
8 department may establish a program for the early release and intensive supervision
9 of juveniles who have been placed in a ~~secured~~ juvenile correctional facility or a
10 ~~secured child-caring institution~~ residential care center for children and youth under
11 s. 938.183 or 938.34 (4m). The program may not include any juveniles who have been
12 placed in a ~~secured~~ juvenile correctional facility or a ~~secured child-caring institution~~
13 residential care center for children and youth as a result of a delinquent act involving
14 the commission of a violent crime as defined in s. 969.035, but not including the crime
15 specified in s. 948.02 (1).

16 **SECTION 593.** 938.538 (3) (a) 1., 1m., 1p. and 2. of the statutes are amended to
17 read:

18 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 ~~secured~~ juvenile
19 correctional facility, ~~or a secured child-caring institution or, if the participant is 17~~
20 ~~years of age or over or 15 years of age or over and transferred under s. 938.357 (4)~~
21 ~~(d), a Type 1 prison, as defined in s. 301.01 (5),~~ residential care center for children
22 and youth for a period of not more than 3 years.

23 1m. If the participant has been adjudicated delinquent for committing an act
24 that would be a Class A felony if committed by an adult, placement in a Type 1
25 ~~secured~~ juvenile correctional facility, ~~or a secured child-caring institution or, if the~~

1 participant is 17 years of age or over or 15 years of age or over and transferred under
2 s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5), residential care center
3 for children and youth until the participant reaches 25 years of age, unless the
4 participant is released sooner, subject to a mandatory minimum period of
5 confinement of not less than one year.

6 1p. Alternate care, including placement in a foster home, treatment foster
7 home, group home, residential care center for children and youth, or secured child
8 ~~earing institution~~ residential care center for children and youth.

9 2. Intensive or other field supervision, including corrective sanctions
10 supervision under s. 938.533, or aftercare supervision ~~or, if the participant is 17~~
11 ~~years of age or over, intensive sanctions supervision under s. 301.048.~~

12 SECTION 594. 938.538 (4), (5) (b) and (c), (6) and (6m) (b) of the statutes are
13 amended to read:

14 938.538 (4) INSTITUTIONAL STATUS. (a) A participant in the serious juvenile
15 offender program under this section is under the supervision and control of the
16 department, is subject to the rules and discipline of the department, and is
17 considered to be in custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 938.19
18 to 938.21, if a participant violates a condition of his or her participation in the
19 program under sub. (3) (a) 2. to 9. while placed in a Type 2 secured juvenile
20 correctional facility the department may, without a hearing, take the participant into
21 custody and return him or her to placement in a Type 1 secured juvenile correctional
22 facility, or a secured child earing institution ~~or, if the participant is 17 years of age~~
23 ~~or over, a Type 1 prison, as defined in s. 301.01 (5) residential care center for children~~
24 and youth. Any intentional failure of a participant to remain within the extended
25 limits of his or her placement while participating in the serious juvenile offender

1 program or to return within the time prescribed by the administrator of the division
2 of intensive sanctions in the department is considered an escape under s. 946.42 (3)
3 (c). This paragraph does not preclude a juvenile who has violated a condition of the
4 juvenile's participation in the program under sub. (3) (a) 2. to 9. from being taken into
5 and held in custody under ss. 938.19 to 938.21.

6 (b) The department shall operate the component phases of the program
7 specified in sub. (3) (a) 2. to 9. as a Type 2 secured juvenile correctional facility. The
8 secretary of corrections may allocate and reallocate existing and future facilities as
9 part of the Type 2 secured juvenile correctional facility. The Type 2 secured juvenile
10 correctional facility is subject to s. 301.02. Construction or establishment of a Type 2
11 secured juvenile correctional facility shall be in compliance with all state laws except
12 s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction
13 or establishment of a Type 2 secured juvenile correctional facility is not subject to the
14 ordinances or regulations relating to zoning, including zoning under ch. 91, of the
15 county and city, village, or town in which the construction or establishment takes
16 place and is exempt from inspections required under s. 301.36.

17 (5) (b) The department may discharge a participant from participation in the
18 serious juvenile offender program and from departmental supervision and control at
19 any time after the participant he or she has completed 3 years of participation in the
20 serious juvenile offender program.

21 (c) Sections 938.357 and 938.363 do not apply to changes of placement and
22 revisions of orders for a juvenile who is a participant in the serious juvenile offender
23 program, except that s. 938.357 (4) (d) applies to the transfer of a participant to the
24 Racine youthful offender correctional facility named in s. 302.01. program

(6) PURCHASE OF SERVICES. The department of corrections may contract with the department of health and family services, a county department, or any public or private agency for the purchase of goods, care, and services for participants in the serious juvenile offender program under this section. The department of corrections shall reimburse a person from whom it purchases goods, care, or services under this subsection from the appropriation under s. 20.410 (3) (cg) ~~or, if the person for whom the goods, care or services are purchased is placed in a Type 1 prison, as defined s. 301.01 (5), or is under intensive sanctions supervision under s. 301.048, from the appropriate appropriation under s. 20.410 (1).~~

NOTE: Deletes references to placement of juveniles in state prison from s. 938.538 because the draft repeals the authority of DOC to place juveniles who have been adjudicated delinquent in state prison or under intensive sanctions supervision. See the note to s. 938.537 (4) (d) ~~in this draft~~, *states, as repealed by this bill*

(6m) (b) In the selection of classified service employees for a secured juvenile correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a), the appointing authority shall make every effort to use the expanded certification program under s. 230.25 (1n) or rules of the administrator of the division of merit recruitment and selection in the office of state employment relations to ensure that the percentage of employees who are minority group members approximates the percentage of the juveniles placed at that secured juvenile correctional facility who are minority group members. The administrator of the division of merit recruitment and selection in the office of state employment relations shall provide guidelines for the administration of this the selection procedure.

SECTION 595. 938.539 ⁽¹⁾ of the statutes is amended to read:

PLAIN 938.539 Type 2 status. (1) TYPE 2 RESIDENTIAL CARE CENTER; COUNTY DEPARTMENT CONTROL. A juvenile who is placed in a Type 2 child caring institution residential care center for children and youth under s. 938.34 (4d) or who, having

been so placed, is replaced in a less restrictive placement under s. 938.357 (4) (c) is under the supervision and control of the county department, is subject to the rules and discipline of the county department and is considered to be in custody, as defined in s. 946.42 (1) (a).

SECTION 596. 938.539 (2) to (5) of the statutes are amended to read:

938.539 (2) TYPE 2 JUVENILE CORRECTIONAL FACILITY; DEPARTMENT CONTROL. A juvenile who is placed in a Type 2 ~~secured~~ juvenile correctional facility under s. 938.357 (4) (a) or who, having been so placed, is replaced in a less restrictive placement under s. 938.357 (4) (c) is under the supervision and control of the department, is subject to the rules and discipline of the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

(3) VIOLATION OF CONDITION OF PLACEMENT. Notwithstanding ss. 938.19 to 938.21, if a juvenile placed in a Type 2 ~~child-caring institution~~ residential care center for children and youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 ~~secured juvenile~~ correctional facility under s. 938.357 (4) (a) or (c) violates a condition of his or her placement in the ~~Type 2 child-caring institution center~~ or ~~Type 2-secured~~ correctional facility, the juvenile may be placed in a Type 1 ~~secured juvenile~~ correctional facility as provided in s. 938.357 (4) (b). This subsection does not preclude a juvenile who has violated a condition of the juvenile's placement in a Type 2 ~~secured juvenile~~ correctional facility or a Type 2 ~~child-caring institution~~ residential care center for children and youth from being taken into and held in custody under ss. 938.19 to 938.21.

(4) ESCAPE OR ABSENCE. ~~Any intentional failure of a~~ A juvenile placed in a Type 2 ~~child-caring institution~~ residential care center for children and youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 ~~secured juvenile~~ correctional facility

1 under s. 938.357 (4) (a) or (c) who intentionally fails to remain within the extended
2 limits of his or her placement or to return within the time prescribed by the
3 administrator of the ~~Type 2 child-caring institution~~ center or Type 2-secured
4 ~~correctional~~ facility is considered an escape under s. 946.42 (3) (c).

5 (5) OPERATION AS TYPE 2 PLACEMENT. With respect to a juvenile who is placed in
6 a secured residential care center for children and youth ~~or a secured child-caring~~
7 ~~institution~~ under s. 938.34 (4d) or 938.357 (4) (a) or in a less restrictive placement
8 under s. 938.357 (4) (c), the child welfare agency operating the ~~residential care center~~
9 ~~for children and youth or secured child-caring institution~~ in which the juvenile is
10 placed, and the person operating any less restrictive placement in which the juvenile
11 is placed, shall operate that ~~residential care center for children and youth, secured~~
12 ~~child-caring institution,~~ or less restrictive placement as a Type 2 ~~child-caring~~
13 ~~institution~~ residential care center for children and youth or a Type 2 secured juvenile
14 correctional facility. This subsection does not preclude a child welfare agency or
15 other person from placing in a residential care center for children and youth, ~~secured~~
16 ~~child-caring institution,~~ or less restrictive placement in which a juvenile is placed
17 under s. 938.34 (4d) or 938.357 (4) (a) or (c) a juvenile who is not placed under s.
18 938.34 (4d) or 938.357 (4) (a) or (c).

19 **SECTION 597.** 938.539 (6) (title) of the statutes is created to read:

20 938.539 (6) (title) **RULE-MAKING.**

21 **SECTION 598.** 938.549 (1) (title), (2) (title) and (3) (title) of the statutes are
22 created to read:

23 938.549 (1) (title) **CLASSIFICATION SYSTEM; CONTENT.**

24 (2) (title) **USES OF CLASSIFICATION SYSTEM.**

25 (3) (title) **TRAINING IN USE OF SYSTEM.**

1 **SECTION 599.** 938.57 (1) (title) of the statutes is created to read:

2 938.57 (1) (title) COUNTY DEPARTMENT DUTIES; POWERS.

3 **SECTION 600.** 938.57 (1) (b), (c), (cm), (d) and (2) of the statutes are amended
4 to read:

5 938.57 (1) (b) Accept legal custody or supervision of juveniles transferred to it
6 by the court under s. 938.355 and provide special treatment or care if ordered by the
7 court. Except as provided in under s. 938.505 (2), a court may not order a county
8 department to administer psychotropic medications to juveniles who receive special
9 treatment or care ~~under this paragraph~~. PLAIN

10 (c) Provide appropriate protection and services for juveniles in its care,
11 including providing services for juveniles and their families in their own homes,
12 placing the juveniles in licensed foster homes, licensed treatment foster homes or
13 licensed group homes in this state or another state within a reasonable proximity to
14 the agency with legal custody ~~or~~, contracting for services for them by licensed child
15 welfare agencies, or replacing them in ~~secured juvenile~~ residential care centers for
16 ~~secured child caring institutions or secured group homes~~ children and youth in accordance with rules promulgated under ch. 227, except that PLAIN

17 PLAIN the A county department may not purchase the educational component of private
18 day treatment programs unless the county department, the school board, as defined
19 in s. 115.001 (7) and the state superintendent of public instruction all determine that
20 an appropriate public education program is not available. Disputes between the
21 county department and the school district shall be resolved by the state
22 superintendent of public instruction.

23
24 (cm) Provide appropriate services for juveniles who are referred to the county
25 department by a municipal court, except that if If the funding, staffing, or other
PLAIN

1 resources of the county department for juvenile welfare services are insufficient to
2 meet the needs of all juveniles who are eligible to receive services from the county
3 department, the county department shall give first priority to juveniles who are
4 referred to ~~the county department~~ it by the court assigned to exercise jurisdiction
5 under this chapter and ch. 48.

6 (d) Provide for the moral and religious training of juveniles in its care according
7 to the religious belief beliefs of the juvenile or of his or her parents.

8 (2) ASSISTANCE FROM PRIVATE INDIVIDUALS AND ORGANIZATIONS. In performing the
9 functions ~~specified in~~ under sub. (1), the county department may avail itself of the
10 ~~cooperation~~ accept the assistance of any an individual or private agency or
11 organization interested in the social welfare of juveniles in the county.

12 **SECTION 601.** 938.57 (3) (title) of the statutes is created to read:

13 938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES OVER 17.

14 **SECTION 602.** 938.57 (4) of the statutes is amended to read:

15 938.57 (4) AFTERCARE SUPERVISION. A county department may provide
16 aftercare supervision under s. 938.34 (4n) for juveniles who are released from
17 ~~secured juvenile~~ correctional facilities, or secured child caring institutions or secured
18 ~~group homes~~ residential care centers for children and youth. If a county department
19 intends to change its policy regarding whether the county department or the
20 department shall provide aftercare supervision for juveniles released from ~~secured~~
21 juvenile ~~correctional facilities, or secured child caring institutions or secured group~~
22 ~~homes,~~ residential care centers for children and youth the county executive or county
23 administrator, or, if the county has no county executive or county administrator, the
24 chairperson of the county board of supervisors, or, for multicounty departments, the
25 chairpersons of the county boards of supervisors jointly, shall submit a letter to the

1 department stating that intent before July 1 of the year preceding the year in which
2 the policy change will take effect.

3 **SECTION 603.** 938.59 (1) of the statutes is amended to read:

4 938.59 (1) INVESTIGATION AND EXAMINATION. The county department shall
5 investigate the personal and family history and environment of any juvenile
6 transferred to its legal custody or placed under its supervision under s. 938.34 (4d)
7 or (4n) and make any physical or mental examinations of the juvenile considered
8 necessary to determine the type of care necessary for the juvenile. The county
9 department shall screen a juvenile who is examined ~~under this subsection~~ to
10 determine whether the juvenile is in need of special treatment or care because of
11 alcohol or other drug abuse, mental illness, or severe emotional disturbance. The
12 county department shall keep a complete record of the information received from the
13 court, the date of reception, all available data on the personal and family history of
14 the juvenile, the results of all tests and examinations given the juvenile, and a
15 complete history of all placements of the juvenile while in the legal custody or under
16 the supervision of the county department.

17 **SECTION 604.** 938.59 (2) (title) of the statutes is created to read:

18 938.59 (2) (title) REPORT TO THE DEPARTMENT.

19 **SECTION 605.** 938.78 (1) (title) and (2) (title) of the statutes are created to read:

20 938.78 (1) (title) DEFINITION.

21 (2) (title) CONFIDENTIALITY; EXCEPTIONS.

22 **SECTION 606.** 938.78 (2) (a), (ag) and (am) of the statutes are amended to read:

23 938.78 (2) (a) No agency may make available for inspection or disclose the
24 contents of any record kept or information received about an individual who is or was

1 in its care or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5)
2 (b) or (d) or (5m) (d), or 938.51 or by order of the court. sets

NOTE: Clarifies that, with specified exceptions, s. 938.78 (2) (a) applies to the contents of any record kept or information received about an individual who is or was (i.e., currently or in the past) in the agency's care or legal custody.

3 (ag) Paragraph (a) does not prohibit an agency from making available for
4 inspection or disclosing the contents of a record, upon the request of the parent,
5 guardian, or legal custodian of the juvenile who is the subject of the record or upon
6 the request of the juvenile, if 14 years of age or over older, to the parent, guardian,
7 legal custodian, or juvenile, unless the agency finds that inspection of the record by
8 the juvenile, parent, guardian, or legal custodian would result in imminent danger
9 to anyone.

10 (am) Paragraph (a) does not prohibit an agency from making available for
11 inspection or disclosing the contents of a record, upon the written permission of the
12 parent, guardian, or legal custodian of the juvenile who is the subject of the record
13 or upon the written permission of the juvenile, if 14 years of age or over older, to the
14 person named in the permission if the parent, guardian, legal custodian, or juvenile
15 specifically identifies the record in the written permission, unless the agency
16 determines that inspection of the record by the person named in the permission
17 would result in imminent danger to anyone.

18 **SECTION 607.** 938.78 (2) (b) 1. and (3) of the statutes are amended to read:

19 938.78 (2) (b) 1. Paragraph (a) does not apply to the confidential exchange of
20 information between an agency and another social welfare agency, a law
21 enforcement agency, the victim-witness coordinator, a fire investigator under s.
22 165.55 (15), a public school district or a private school regarding an individual in the
23 care or legal custody of the agency. A social welfare agency that obtains information

1 under this paragraph shall keep the information confidential as required under this
2 section and s. 48.78. A law enforcement agency that obtains information under this
3 paragraph shall keep the information confidential as required under ss. 48.396 (1)
4 and 938.396 (1) (a). A public school that obtains information under this paragraph
5 shall keep the information confidential as required under s. 118.125 and a private
6 school that obtains information under this paragraph shall keep the information
7 confidential in the same manner as is required of a public school under s. 118.125.

8 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE: RULES. If a juvenile
9 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
10 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
11 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
12 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
13 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
14 (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60, 948.605,
15 or 948.61 or any crime specified in ch. 940 has escaped from a secured juvenile
16 correctional facility, residential care center for children and youth, ~~secured group~~
17 ~~home~~, inpatient facility, as defined in s. 51.01 (10), ~~secure juvenile~~ juvenile detention facility,
18 or juvenile portion of a county jail, or from the custody of a peace officer or a guard
19 of such a facility, center, or jail, or has been allowed to leave a secured juvenile
20 correctional facility, residential care center for children and youth, ~~secured group~~
21 ~~home~~, inpatient facility, ~~secure juvenile~~ juvenile detention facility, or juvenile portion of a
22 county jail for a specified time period and is absent from the facility, center, home,
23 or jail for more than 12 hours after the expiration of the specified period, the
24 department or county department having supervision over the juvenile may release
25 the juvenile's name and any information about the juvenile that is necessary for the

1 protection of the public or to secure the juvenile's return to the facility, center, home,
2 or jail. The department of corrections shall promulgate rules establishing guidelines
3 for the release of the juvenile's name or information about the juvenile to the public.

4 **SECTION 608.** 938.795 (1) to (4) of the statutes are amended to read:

5 938.795 (1) COLLECT STATISTICS AND INFORMATION. Collect and collaborate with
6 other agencies in collecting statistics and information useful in determining the
7 cause and amount of delinquency and crime in this state or in carrying out the powers
8 and duties of the department relating to delinquency and crime.

9 (2) ASSIST COMMUNITIES. Assist communities in their efforts to combat
10 delinquency and social breakdown likely to cause delinquency and crime and assist
11 them in setting up programs for coordinating the a total community program
12 relating to delinquency and crime, including the improvement of law enforcement.

13 (3) ASSIST SCHOOLS. Assist schools in extending their particular contribution
14 in ~~locating~~ identifying and helping juveniles vulnerable to delinquency and crime
15 and in improving ~~their~~ school services ~~to~~ for all youth.

16 (4) ENLIGHTEN PUBLIC OPINION. Develop and maintain an enlightened public
17 opinion in support of a any program to control delinquency and crime.

18 **SECTION 609.** 938.992 (3) of the statutes is amended to read:

19 938.992 (3) Notwithstanding s. 938.991 (3) (b), "delinquent juvenile" does not
20 include a person subject to an order under s. 48.366 who is confined to a state prison
21 under s. 302.01 ~~or a person subject to an order under s. 938.34 (4h) who is 17 years~~
22 ~~of age or over.~~

NOTE: Deletes reference in s. 938.992 (3) to placement of a juvenile who has been
adjudicated delinquent in a state prison. See the note to s. 938.357 (4) (d) in this draft.

23 **SECTION 610.** 940.225 (5) (ab) of the statutes is amended to read:

15/16/15, as reported
by this bill

1 940.225 (5) (ab) "Correctional institution" means a jail or correctional facility,
2 as defined in s. 961.01 (12m), a ~~secured~~ juvenile correctional facility, as defined in s.
3 938.02 (15m) (10p), or a ~~secure~~ juvenile detention facility, as defined in s. 938.02 (16)
4 (10r).

5 **SECTION 611.** 946.42 (1) (a) of the statutes is amended to read:

6 946.42 (1) (a) "Custody" includes without limitation actual custody of an
7 institution, including a ~~secured~~ juvenile correctional facility, as defined in s. 938.02
8 (~~15m~~) (10p), a ~~secured child caring institution~~ residential care center for children and
9 youth, as defined in s. 938.02 (15g), a ~~secured group home~~, as defined in s. 938.02
10 (~~15p~~), a ~~secure~~ juvenile detention facility, as defined in s. 938.02 (16) (10r), a Type 2
11 ~~child caring institution~~ residential care center for children and youth, as defined in
12 s. 938.02 (19r), or a juvenile portion of a county jail, or of a peace officer or institution
13 guard and constructive custody of prisoners and juveniles subject to an order under
14 s. 48.366, 938.183, 938.34 (4d), (4h), or (4m), or 938.357 (4) or (5) (e) temporarily
15 outside the institution whether for the purpose of work, school, medical care, a leave
16 granted under s. 303.068, a temporary leave or furlough granted to a juvenile, or
17 otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the
18 county to which the prisoner was transferred after conviction. It does not include the
19 custody of a probationer, parolee, or person on extended supervision by the
20 department of corrections or a probation, extended supervision, or parole officer or
21 the custody of a person who has been released to aftercare supervision under ch. 938
22 unless the person is in actual custody or is subject to a confinement order under s.
23 973.09 (4).

24 **SECTION 612.** 946.44 (2) (c) and (d) of the statutes are amended to read:

1 946.44 (2) (c) "Institution" includes a secured juvenile correctional facility, as
2 defined in s. 938.02 (15m) (10p), a secured ~~child caring institution~~ residential care
3 center for children and youth, as defined in s. 938.02 (15g), a ~~secured group home~~,
4 ~~as defined in s. 938.02 (15p)~~, and a Type 2 ~~child caring institution~~ residential care
5 center for children and youth as defined in s. 938.02 (19r).

6 (d) "Prisoner" includes a person who is under the supervision of the department
7 of corrections under s. 938.34 (4h), who is placed in a secured juvenile correctional
8 facility, ~~or a secured child caring institution or a secured group home~~ residential care
9 center for children and youth under s. 938.183, 938.34 (4m), or 938.357 (4) or (5) (e),
10 who is placed in a Type 2 ~~child caring institution~~ residential care center for children
11 and youth under s. 938.34 (4d) or who is subject to an order under s. 48.366.

12 SECTION 613. 946.45 (2) (c) and (d) of the statutes are amended to read:

13 946.45 (2) (c) "Institution" includes a secured juvenile correctional facility, as
14 defined in s. 938.02 (15m) (10p), a secured ~~child caring institution~~ residential care
15 center for children and youth, as defined in s. 938.02 (15g), a ~~secured group home~~,
16 ~~as defined in s. 938.02 (15p)~~, and a Type 2 ~~child caring institution~~ residential care
17 center for children and youth, as defined in s. 938.02 (19r).

18 (d) "Prisoner" includes a person who is under the supervision of the department
19 of corrections under s. 938.34 (4h), who is placed in a secured juvenile correctional
20 facility, ~~a secured child caring institution or a secured group home~~ residential care
21 center for children and youth under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e),
22 who is placed in a Type 2 ~~child caring institution~~ residential care center for children
23 and youth under s. 938.34 (4d) or who is subject to an order under s. 48.366.

24 SECTION 614. 948.50 (4) (b) of the statutes is amended to read:

1 948.50 (4) (b) Is placed in or transferred to a secured juvenile correctional
2 facility, as defined in s. 938.02 (15m) (10p), or a secured ~~child-caring institution~~
3 residential care center for children and youth, as defined in s. 938.02 (15g).

4 **SECTION 615.** 968.255 (7) (b) of the statutes is amended to read:

5 968.255 (7) (b) Is placed in or transferred to a secured juvenile correctional
6 facility, as defined in s. 938.02 (15m) (10p), ^(plain) ~~or a secured child-caring institution~~
7 residential care center for children and youth, as defined in s. 938.02 (15g), ~~or a~~
8 ~~secured group home, as defined in s. 938.02 (15p).~~

9 **SECTION 616.** 970.032 (1) of the statutes is amended to read:

10 970.032 (1) Notwithstanding s. 970.03, if a preliminary examination is held
11 regarding a juvenile who is subject to the original jurisdiction of the court of criminal
12 jurisdiction under s. 938.183 (1) ~~or (2)~~, the court shall first determine whether there
13 is probable cause to believe that the juvenile has committed the violation of which
14 he or she is accused under the circumstances specified in s. 938.183 (1) (a), (am), (ar),
15 (b), or (c), ~~or (2)~~ ^{PLAIN COMMA} whichever is applicable. If the court does not make that finding, the
16 court shall order that the juvenile be discharged but proceedings may be brought
17 regarding the juvenile under ch. 938.

18 **SECTION 617.** 973.013 (3m) of the statutes is amended to read:

19 973.013 (3m) If a person who has not attained the age of 16 years is sentenced
20 to the Wisconsin state prisons, the department shall place the person at a secured
21 juvenile correctional facility or a secured ~~child-caring institution~~ residential care
22 center for children and youth, unless the department determines that placement in
23 an institution under s. 302.01 is appropriate based on the person's prior record of
24 adjustment in a correctional setting, if any; the person's present and potential
25 vocational and educational needs, interests and abilities; the adequacy and

1 suitability of available facilities; the services and procedures available for treatment
2 of the person within the various institutions; the protection of the public; and any
3 other considerations promulgated by the department by rule. The department may
4 not place any person under the age of 18 years in the correctional institution
5 authorized in s. 301.16 (1n). This subsection does not preclude the department from
6 designating an adult correctional institution, other than the correctional institution
7 authorized in s. 301.16 (1n), as a reception center for the person and subsequently
8 transferring the person to a ~~secured juvenile correctional facility or a secured child~~
9 ~~earing institution~~ residential care center for children and youth. Section 302.11 and
10 ch. 304 apply to all persons placed in a ~~secured juvenile correctional facility or a~~
11 ~~secured child-earing institution~~ residential care center for children and youth under
12 this subsection.

13 **SECTION 618.** 976.08 of the statutes is amended to read:

14 **976.08 Additional applicability.** In this chapter, "prisoner" includes any
15 person subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin
16 state prison ~~and any person subject to an order under s. 938.34 (4h) who is 17 years~~
17 ~~of age or older.~~

NOTE: Deletes reference in s. 976.08 to placement of a juvenile who has been
adjudicated delinquent in a state prison. See the note to s. 938.357 (4) (d) in this draft.

18 **SECTION 619.** 980.015 (2) (b) of the statutes is amended to read:

19 980.015 (2) (b) The anticipated release from a ~~secured juvenile~~ correctional
20 facility, as defined in s. 938.02 ~~(15m)~~ (10p), or a ~~secured child-earing institution~~
21 residential care center for children and youth, as defined in s. 938.02 (15g), ~~or a~~
22 ~~secured group home, as defined in s. 938.02 (15p)~~, of a person adjudicated delinquent
23 under s. 938.183 or 938.34 on the basis of a sexually violent offense.

1 **SECTION 620.** 980.02 (1) (b) 2., (2) (ag), (4) (am) and (b) of the statutes are
2 amended to read:

3 980.02 (1) (b) 2. The county in which the person will reside or be placed upon
4 his or her discharge from a sentence, release on parole or extended supervision, or
5 release from imprisonment, from a secured juvenile correctional facility, as defined
6 in s. 938.02 (15m) (10p), from a ~~secured child-caring institution~~ residential care
7 center for children and youth, as defined in s. 938.02 (15g), ~~from a secured group~~
8 ~~home, as defined in s. 938.02 (15p)~~, or from a commitment order.

9 (2) (ag) The person is within 90 days of discharge or release, on parole, extended
10 supervision or otherwise, from a sentence that was imposed for a conviction for a
11 sexually violent offense, from a secured juvenile correctional facility, as defined in s.
12 938.02 (15m), (10p) ² ~~or from a secured child-caring institution~~ residential care center
13 for children and youth, as defined in s. 938.02 (15g), ~~or from a secured group home,~~
14 ~~as defined in s. 938.02 (15p)~~, if the person was placed in the facility for being
15 adjudicated delinquent under s. 938.183 or 938.34 on the basis of a sexually violent
16 offense or from a commitment order that was entered as a result of a sexually violent
17 offense.

18 (4) (am) The circuit court for the county in which the person will reside or be
19 placed upon his or her discharge from a sentence, release on parole or extended
20 supervision, or release from imprisonment, from a secured juvenile correctional
21 facility, as defined in s. 938.02 (15m) (10p), from a ~~secured child-caring institution~~
22 residential care center for children and youth, as defined in s. 938.02 (15g), ~~from a~~
23 ~~secured group home, as defined in s. 938.02 (15p)~~, or from a commitment order.

24 (b) The circuit court for the county in which the person is in custody under a
25 sentence, a placement to a secured juvenile correctional facility, as defined in s.

1 938.02 (15m) (10p), a secured ~~child-caring institution~~ residential care center for
2 children and youth, as defined in s. 938.02 (15g), ~~or a secured group home, as defined~~
3 ~~in s. 938.02 (15p)~~, or a commitment order.

4 **SECTION 621.** 980.04 (1) of the statutes is amended to read:

5 980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review
6 the petition to determine whether to issue an order for detention of the person who
7 is the subject of the petition. The person shall be detained only if there is cause to
8 believe that the person is eligible for commitment under s. 980.05 (5). A person
9 detained under this subsection shall be held in a facility approved by the department.
10 If the person is serving a sentence of imprisonment, is in a secured juvenile
11 correctional facility, as defined in s. 938.02 (15m) (10p) ~~or a secured child-caring~~
12 ~~institution residential care center for children and youth~~, as defined in s. 938.02
13 (15g), ~~or a secured group home, as defined in s. 938.02 (15p)~~, or is committed to
14 institutional care, and the court orders detention under this subsection, the court
15 shall order that the person be transferred to a detention facility approved by the
16 department. A detention order under this subsection remains in effect until the
17 person is discharged after a trial under s. 980.05 or until the effective date of a
18 commitment order under s. 980.06, whichever is applicable.

19 **SECTION 622. Initial applicability.**

20 (1) The treatment of sections 301.03 (10) (d), 302.11 (10), 302.255, 302.386 (5)
21 (d), 938.183 (3), 938.357 (4) (d), 938.538 (3) (a) 1., 1m., and 2., (4) (a), (5) (c), and (6),
22 938.992 (3), and 976.08 of the statutes first applies to violations committed on July
23 1, 1996.

a juvenile who is convicted or adjudicated
delinquent for a violation
(END)

PLACEMENT OF JUVENILES IN ADULT PRISONS.